

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
February 18-22, 2002

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
2-20	EX	75/829,997	Action Staffing Group, Inc.	Cissel* Chapman Holtzman	2(d)	Refusal Reversed		"ACTION STAFFING GROUP" [employment agency services]	<i>3 cited registrations owned by 3 different entities:</i> "ACTION TEMPORARIES" (and design) [temporary employment placement services]; "ACTION LABOR" (and design) [personnel placement and recruitment services]; "ACTION PLUS INDUSTRIAL LABOR" [temporary employment agency services]	Prater	No
2-20	EX	75/793,904	DeeDee Traylor Taft	Quinn Wendel Bottorff*	2(d)	Refusal Affirmed		"SPIN COMMUNICATIONS" (in stylized lettering) [public relations services]	"SPINS" [market research, analysis and study services]	Kahn	No
2-20	EX	75/643,344	Media/ Professional Insurance Agency, Inc.	Chapman* Bottorff Holtzman	Section 6 disclaimer requirement (of the word CYBER-RISK)	Refusal Affirmed		"YOUR CYBERRISK CONNECTION" [liability insurance underwriting services for businesses which are involved in the dissemination of information or the performance of services using on-line technology]		Zak	No
2-20	EX	75/865,497	Natural Answers, Inc.	Simms Walters* Rogers	2(d)	Refusal Reversed		"HERBAL OCTANE" [dietary supplement]	"HERBA FUEL" [dietary supplement]	Brown	No

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2-20	EX	75/758,023	Badische Tabak-manufaktur Roth-Handle GmbH	Simms Hairston Walters*	2(d)	Refusal Affirmed		"HOMMAGE 1492" [tobacco products, namely, cigarette papers, cigarette tubes with and without filters, cigarette filters; smokers' articles, namely, ashtrays not of precious metals, pocket machines for rolling and stuffing cigarettes, and matches]	"1492" (and design) [cigars, little cigars, pipe tobacco, roll your own cigarette tobacco, chewing tobacco and snuff]	Mooney-ham	No
2-20	CANC CANC	29,345 29,535	Rooms & Gardens, Inc. v. Rooms & Gardens and Jami Voulgaris	Hohein Rogers Drost*	2(d)	Petition to Cancel Granted (in both cases)	"ROOMS & GARDENS" [retail store services featuring furniture, antiques, and home furnishings]	"ROOMS & GARDENS" and "ROOMS & GARDENS" (and design) [both marks for retail store services featuring upholstered and slipcovered furniture, wood furniture, garden furniture and accessories, gifts, bath products, candles, oil paintings and paintings]			No
2-20	CANC	30,491	Inter-national Marketing Systems, Ltd. v. Absopure Water Co.	Cissel Hairston* Walters	abandonment	Petition to Cancel Denied	"QUALITY MONTREAU COFFEES" (and design) [instant cappuccino mix]	"MONTREAU" [sparkling mineral water]			No
2-20	EX	75/762,329	China Bluestar (USA) Group, Inc.	Cissel Bottorff* Holtzman	2(e)(4)	Refusal Affirmed		"MALAN" (depicted in stylized lettering, i.e., all lower case letters) [coffee shops, cafes, Chinese restaurants, buffet and fast food restaurants]		Yontef	No

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2-20	CANC	29,508	Packaging Service Co., Inc. v. Picnic Brand, Inc.	Simms Hohein* Bucher	2(d); counterclaim to cancel petitioner's pleaded registration, under 2(d)	Counter-claim to Cancel Dismissed as a nullity; Decision on Petition to Cancel Deferred	"PICNIC" [charcoal lighter fluid]	"HAGMANN'S PICNIC BRAND" (and design) [firewood; lump charcoal; and lighter fluid]			No
2-20	EX	74/650,703	California Innovations Inc.	Hohein Hairston* Walters	2(e)(3)	Refusal Affirmed		"CALIFORNIA INNOVATIONS" (and design) [automobile visor organizers and automobile trunk organizers for automobile accessories; backpacks; thermal insulated bags and wraps for food and beverages; nylon, vinyl, polyester and/or leather bags for storage and storage pouches]		Fickes	No
2-20	OPP (SJ)	122,064	Leatherwood Scopes International, Inc. v. James M. Leatherwood	Chapman Bottorff Holtzman [Opinion "By the Board" (Butler)]	2(d)	Opposition Dismissed (Applicant's motion for summary judgment granted)		"LEATHERWOOD" [telescopes and optical scopes for rifles]			Yes

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2-21	EX	75/810,317	James Raymond Bevan	Chapman* Rogers Drost	2(d)	Refusal Affirmed		"MAD NOMAD" [entertainment services in the nature of live performance by a musical group]	"NOMAD" [pre-recorded audio cassettes and compact discs featuring music; entertainment services in the nature of the production and presentation of musical concerts]	Hardley	No
2-21	EX	75/696,025	National Penn Bank	Seeherman Hanak Chapman*	2(e)(1)	Refusal Reversed		"DIRECT INVEST" [banking services, namely, interest bearing retail checking accounts, which provide a free check card, free P C banking, free phone banking, unlimited check writing, and FDIC insurance coverage]		Baird	No
2-21	OPP	111,322	William S. Quimby v. Lowell Int'l. Co.	Quinn Wendel* Rogers	2(d)	Opposition Sustained	"800 REFERRAL.COM" [business and professional locator and information services]	"1-800-REFERRAL" [provision of information, matchmaking, and concierge services via telephonic and computer assisted means]			No
2-21	EX	75/701,938	Storage-All Inc.	Seeherman Hohein* Holtzman	2(d)	Refusal Affirmed (as to both cited registrations)		"STORAGE-ALL INC." [storage space rental services]	<i>two cited registrations owned by the same entity:</i> "STOR-ALL SELF-STORAGE RENTALS" (and design) <i>and</i> "STOR-ALL SYSTEMS" (and design) <i>[both marks for leasing of storage space]</i>	Hayash	No

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2-21	EX	75/598,724	Thyssen Hunnebeck GmbH	Hairston Chapman Wendel*	2(e)(4)	Refusal Affirmed		"MANTO" [building assistance devices, namely, prefabricated scaffolding and construction forms made of metal, plastic, or wood, for erecting construction formwork]		Delaney	No
2-21	EX	75/809,046	California Ultrasound, Inc.	Hanak Hohein* Rogers	2(e)(1)	Refusal Affirmed		"WELLNESS THROUGH ULTRASOUND SCREENING" [medical testing and screening services, namely, providing ultrasound screening services]		Bell	No
2-22	EX	75/272,715	Avax Int'l. IP Holdings, Inc.	Seeherman Bucher Drost*	2(e)(1)	Refusal Affirmed		"AC VACCINE TECHNOLOGY" [vaccine for the treatment of cancer]		Charlon	No
2-22	EX	75/174,154	Cranial Technologies, inc.	Simms Bottorff Drost*	2(e)(1); whether applicant's mark has acquired distinctive-ness under Section 2(f); genericness	Refusal Affirmed		"DYNAMIC ORTHOTIC CRANIOPLASTY" [non-invasive cranial orthosis used to reshape cranial defects; medical services, namely, cranial remodeling and shaping utilizing cranial orthosis devices]		Mandir	No
2-22	EX	75/606,813	Gail Rosen / Steve Rosen	Cissel Hanak Drost*	2(d)	Refusal Affirmed		"MICRO SHAPES" [eyeglasses, eyeglass frames and sunglasses]	"SHAPES" [sunglasses, sunglass cases, sunglass straps, lenses and parts for sunglasses]	Gharib	No

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2-22	EX EX EX EX	75/824,804 75/824,921 75/826,087 75/826,088	Citadel Broad-casting Co.	Seeherman* Hohein Holtzman	2(d)	Refusal Reversed (in all four cases)		"CITADEL," "CITADEL COMMUNICATIONS," "CITADEL COMMUNICATIONS CORPORATION," and "CITADEL BROADCASTING COMPANY" [<i>all four marks for</i> radio broadcasting services]	"CITADEL COMMUNICATIONS" [telecommunications services, namely, long distance telephone services]	Ririe <i>and</i> Beyer	No

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